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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

HOWARD B. HIGGINS, an individual,
Plaintiff,

Case No. C 07-02200 JSW

Corporation, ZENITH INVESTMENT GROUP LLC, a California Limited Liability Company, AMAECHI GEORGE OZOR, an individual, and JOHN/JANE DOES I-X, individuals or entities whose identities are unknown,

STIPULATION AND ~~PROPOSED~~ ORDER

Defendants.

1 Defendant, Farr Financial, Inc. ("Farr") and Plaintiff, Howard B. Higgins, by and
2 through their respective attorneys, submit this stipulation, in which they agree as follows:

3 Per this Court's Order of July 20, 2011, the case was assigned to a randomly
4 assigned magistrate for a settlement conference. By Order of July 27, 2011, Magistrate
5 Cousins scheduled the settlement conference in this matter for September 1, 2011.
6 Because of a personal conflict of counsel for Defendant, such counsel will request that the
7 settlement conference be rescheduled for a date after September 12, 2011.

8 The pre-trial conference is currently scheduled in this matter for September 12,
9 2011. The bench trial is currently scheduled in this matter for October 3, 2011.

10 The parties jointly request that the pre-trial conference in this matter be rescheduled
11 (1) in order for the parties and Magistrate Cousins to conduct the settlement conference
12 before the pre-trial filings are due and (2) to give the parties adequate time to prepare pre-
13 trial materials in the event that they are unable to settle this matter. In the event the parties
14 are unable to resolve this matter, they will need two weeks to prepare pre-trial materials.

15 In addition, the parties jointly request that the trial in this matter be continued to
16 reflect the changed pre-trial dates.

17 Good cause exists to grant this stipulation. Given the current setting for pre-trial
18 conference, submissions preparatory to the pre-trial conference will be due *before* the
19 settlement conference. Given the considerable amount of work the pre-trial conference
20 preparations would require, the parties believe that requiring this work to be completed
21 before the settlement conference would lessen the chances of a successful settlement,
22 because money that could otherwise be contributed to a settlement would be expended on
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1 preparations for the pre-trial conference.

2 There have been no prior requests to continue the dates for the pre-trial conference
3 or the bench trial.

4 The parties suggest the following dates for the pre-trial conference and trial, if
5 necessary:

6 1. Pre-trial Conference: Rescheduled from September 12, 2011, until October
7 10-11 or October 17-18, 2011.

8 2. Trial: Rescheduled from October 4, 2011, until November 7-10, November
9 15-18, December 5-9 or December 12-15, 2011.

10 IT IS SO STIPULATED.

11 Dated: August 4, 2011

12 NORMAN G. REECE, P.C.

13 By: /s/ Norman G. Reece, Jr.

14 NORMAN G. REECE, JR.
15 Attorney for Plaintiff, Howard B. Higgins
16 *(Pro Hac Vice)*

17 Dated: August 4, 2011

18 HOWARD J. STEIN & ASSOC.

19 By: /s/ Howard J. Stein

20 HOWARD J. STEIN
21 Attorneys for Defendant, Farr Financial, Inc.
22 *(Pro Hac Vice)*

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ORDER

4 Good cause appearing, **IT IS ORDERED** that the stipulation is **GRANTED**. The
5 pre-trial conference shall be reset for October 17, 2011. The bench trial
6 presently set to commence October 3, 2011, is hereby vacated and set to commence
November 7, 2011.

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IT IS SO ORDERED.

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Dated: August 4, 2011

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HON. JEFFREY S. WHITE
United States District Judge